

ALEX L LONDON
ATTORNEY AT LAW
California State Bar No. 50957
2442 Fourth Ave.
San Diego, California 92101
Telephone: (619) 232-6022

MARK F. ADAMS
ATTORNEY AT LAW
California State Bar No. 97377
964 Fifth Ave., Suite 335
San Diego, California 92101
Telephone: (619) 239-4344

Attorneys for Defendant
Christian Paul Rodarte

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIAN PAUL RODARTE,

Defendant.

08CR1560 - JAH
Case No. 08MJ1320

APPLICATION FOR ORDER
DIRECTING PRESERVATION OF
EVIDENCE, NOTES, INFORMATION,
AND RECORDS OF INVESTIGATION
OR INVOLVEMENT AT THE SCENE
OF ACCIDENT ON APRIL 17, 2008

COMES NOW, CHRISTIAN PAUL RODARTE, by and through his attorneys of record,
Alex L. Landon and Mark F. Adams, and hereby requests the Court to issue an Order
directing the United States and other third party agencies of the State of California, the City
and County of San Diego, and the City of Campo to preserve evidence, notes, information,
radio transmissions, video and or audio tape or digital recordings of any kind, and reports
concerning any involvement in the traffic accident and or its aftermath on State Route 94 near
the intersection of Forest Gate Road and near the Mountain Empire Campground near Campo

1 California on or about April 17, 2008.

2 On April 17, 2008 at approximately 5:30 p.m. United States Border Patrol agents were
3 summoned to the scene of an automobile accident on State Route 94 near the Mountain
4 Empire Campground near Campo, California. Agents discovered a silver four door 2001
5 Suzuki Esteem sedan which appeared to have hit an oak tree. Two people, one male and one
6 female, were entangled in the wreckage, requiring forcible extraction using metal cutting tools.
7 These two people were pronounced dead at the scene. Six other people, including Christian
8 Paul Rodarte, were found in varying states of injury. All were taken to area hospitals. Mr.
9 Rodarte was found to have suffered various lacerations and bruises and a fractured pelvis.
10 He remains hospitalized.

11 On April 28, 2008 a one count criminal complaint was filed charging Mr. Rodarte with
12 Transportation of Illegal Aliens in violation of Title 8 United States Code § 1324 (a)(1)(A)(ii)
13 which section carries the potential for the imposition of the death penalty. [8 U.S.C. § 1324
14 (a)(1)(B)(iv)].

15 The undersigned are informed and believe that the following agencies responded in
16 some fashion to the incident and will have dispatch transmission tapes, photos, records, log
17 entries, reports, diagrams, video and/or audio recordings of observations and other
18 documents, records, or things relating to that agency's response to the accident: California
19 Highway Patrol, California Department of Forestry (Engine 3374), San Diego County 911
20 Emergency Dispatch Center, Campo California Fire Department, the San Diego County
21 Medical Examiner, the San Diego County Sheriffs Department, and the United States
22 Department of Homeland Security.

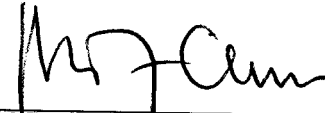
23 This application is based upon the complaint filed in the above-captioned case on or
24 about April 28, 2008, the fact that as filed the case implicates the imposition of the death
25 penalty until the Attorney General of the United States decides otherwise, and such other and
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1 further information as may be presented to the Court at the time of hearing this application.
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4 Dated: May 15, 2008


ALEX L. LANDON

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7 Dated: May 15, 2008


MARK F. ADAMS
Attorneys for Defendant
Christian Paul Rodarte

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